

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY – STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK
AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY; BARTEC
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION;
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC;
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN INSURANCE
COMPANY; NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE
INSURANCE COMPANY; ALLIED WORLD ASSURANCE

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: 07-CV-6915 (DLC)
: **ECF CASE**

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: **DECLARATION OF**
: **BRETT L. WARNING**
: **IN SUPPORT OF**
: **MOTION TO**
: **WITHDRAW AS**
: **COUNSEL**

COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO :
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :
1-20 and XYZ CORPS. 1-20, :
:
:
Fourth-Party Defendants. :

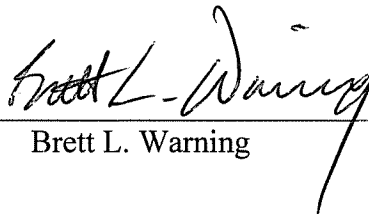
BRETT L. WARNING, of full age, subscribes and affirms under penalty of perjury as follows, pursuant to 28 U.S.C. §1746:

1. I am an associate at Bollinger, Ruberry & Garvey of Chicago, Illinois, and together with Michael S. Miller of Tompkins, McGuire, Wachenfeld & Barry, LLP, am counsel to Fourth-Party Defendant Lumbermens Mutual Casualty Company ("LMC"), improperly sued as Kemper Casualty Insurance Company d/b/a Kemper Insurance Company in the above-captioned action. I am fully familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of LMC's motion for leave to have me withdraw as counsel for LMC in this matter.
2. I was admitted, pro hac vice, to the United States District Court for the Southern District of New York on March 3, 2008 so that I could appear on behalf of LMC.
3. LMC has now decided that its interests will be adequately protected in this matter by our co-counsel, Michael S. Miller, of the firm Tompkins, McGuire, Wachenfeld & Barry, LLP, who entered an appearance in this matter some time ago.
4. Accordingly, it is submitted that there is no longer a need for me to appear as

counsel for LMC in this matter.

WHEREFORE, it is respectfully requested that this motion to allow Brett L. Warning to withdraw as counsel for Fourth-Party Defendant LMC in the above-captioned matter, be granted.

DATED: August 22, 2008


Brett L. Warning